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Attorney's Docket No.: 17084-004007 (24601-402F)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gyula Hadlaczky, et.al  
Serial No. : 09/724,872  
Filed : November 28, 2000  
Conf. No. : 8394  
Title : ARTIFICIAL CHROMOSOMES, USES THEREOF AND METHODS FOR PREPARING ARTIFICIAL CHROMOSOMES

Art Unit : 1638  
Examiner : Helmer, G.L.  
Cust. No. : 20985

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

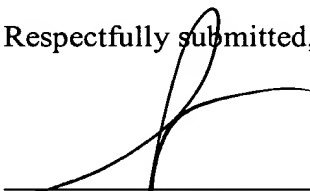
Dear Sir:

Transmitted herewith are an Information Disclosure Statement, Forms PTO-1449 (1 page) and cited reference for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed after receipt of a first office action on the merits in the above-referenced application, a check for \$180.00 is enclosed. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 06-1050, as stated below:



The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No.: 17084-004007 (24601-402F)

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I hereby certify that this paper and the attached papers are being deposited with the United States Postal Services as "Express Mail" Label No. EV 399295672 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/11/04  
DATE  
Stephanie L. Seidman



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Since this Supplemental Information Disclosure Statement is filed after receipt of a first Office Action on the merits for the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Form PTO-1449 (1 page) and a copy of the cited document are provided herewith.

The cited document, listed on Form PTO-1449 and supplied herewith, is in the English language. Hence, in accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

The Examiner's attention is directed to the cited reference Oberle *et al.* (*Biochimica et Biophysica Acta* (2004) 1676:223-230). Oberle *et al.* describes methods for delivering artificial chromosome expression systems (ACEs) to cells. Specifically, Oberle *et al.* demonstrates that when cells are treated with ultrasound energy and the cationic lipid

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SAINT-2 or DOTAP prior to contacting them with ACEs, the ACEs are delivered into the cells. Oberle *et al.* states that, prior to its publication, there was no suitable procedure for delivering ACEs into cells because the size of the ACEs was too large to allow internalization of ACEs complexed with cationic lipids or polymers (*see, e.g.*, Abstract at page 223 and page 224, col. 1, para. 3). Oberle *et al.* further states that incubation of ACEs with cationic lipids such as SAINT-2 and DOTAP to prepare ACEs/lipid complexes leads to partial unraveling of the ACEs with a loss of their condensed structure (*see* page 225, col. 1, para. 2). Oberle *et al.* does not provide any data to support these statements.

The instant application, as well as U.S. Patent No. 6,025,155 which is a parent of the instant application, describes the introduction of artificial chromosomes, including ACEs, into cells by lipid-mediated transfection (*see, e.g.*, p. 10, lines 25-30; p. 48, lines 18-29; p. 49, line 29 – p. 50, line 12; Example 3 beginning at p. 165; and Example 14 beginning at p. 168).

Applicant also makes known to the Examiner the following U.S. applications which are commonly owned and/or have one or more inventors in common:

<u>U.S.S.N.</u>	<u>Filing Date</u>	<u>Docket No.</u>
10/782,129	02/18/04	24601-402O
10/808,689	03/24/04	24601-402P

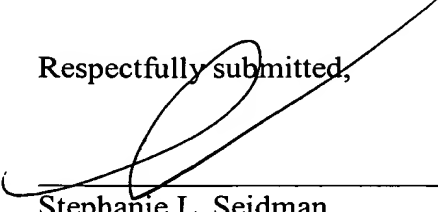
Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. § 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

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Page : 3 of 3

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Applicant respectfully requests that the Examiner review the foregoing references and information and that they be made of record in the file history of the above-captioned application.

Respectfully submitted,



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Stephanie L. Seidman  
Reg. No. 33,779

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Substitute Form PTOS 449 (Modified)  <b>List of Patents and Publications for Applicant's Information Disclosure Statement</b>  (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17084-004007 (24601-402F)	Application No. 09/724,872
	Applicant Gyula Hadlaczky, et.al		
	Filing Date November 28, 2000		Group Art Unit 1638

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
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**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AA	Oberle, <i>et al.</i> , "Efficient transfer of chromosome-based DNA constructs into mammalian cells," <i>Biochimica et Biophysica Acta</i> 1676, 223-230 (2004)

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	